

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 621

Introduced by Assembly Member Saldana

February 25, 2009

An act to ~~amend Section 23123 of the Vehicle Code~~ *add Section 53069.83 to the Government Code*, relating to ~~vehicles~~ *local agencies*.

LEGISLATIVE COUNSEL'S DIGEST

AB 621, as amended, Saldana. ~~Vehicles: wireless telephones.~~ *Local agencies: certificated motor carriers of property.*

Existing law prohibits a motor carrier of property from contracting or subcontracting with, or otherwise engaging the services of, another motor carrier of property until the contracted motor carrier of property provides certification, in a specified manner, of compliance with safety inspection, certificate, permit, and financial responsibility requirements. A violation of those provision is a misdemeanor.

This bill would prohibit a city or county from contracting or subcontracting with, or otherwise engaging the services of, a motor carrier of property until the contracted motor carrier of property provides certification, as specified.

~~Existing law makes it an infraction for a person to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving, except as otherwise provided.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53069.83 is added to the Government
2 Code, to read:

3 53069.83. A city or county shall not contract or subcontract
4 with, or otherwise engage the services of, a motor carrier of
5 property until that motor carrier of property provides certification,
6 in the manner prescribed by subdivision (b) of Section 34620 of
7 the Vehicle Code, of compliance with subdivision (a) of Section
8 34620 of the Vehicle Code.

9 ~~SECTION 1. Section 23123 of the Vehicle Code, as amended~~
10 ~~by Section 2 of Chapter 214 of the Statutes of 2007, is amended~~
11 ~~to read:~~

12 ~~23123. (a) A person shall not drive a motor vehicle while using~~
13 ~~a wireless telephone unless the telephone is specifically designed~~
14 ~~and configured to allow hands-free listening and talking, and is~~
15 ~~used in that manner while driving.~~

16 ~~(b) A violation of this section is an infraction punishable by a~~
17 ~~base fine of twenty dollars (\$20) for a first offense and fifty dollars~~
18 ~~(\$50) for each subsequent offense.~~

19 ~~(c) This section does not apply to a person using a wireless~~
20 ~~telephone for emergency purposes, including, but not limited to,~~
21 ~~an emergency call to a law enforcement agency, health care~~
22 ~~provider, fire department, or other emergency services agency or~~
23 ~~entity.~~

24 ~~(d) This section does not apply to an emergency services~~
25 ~~professional using a wireless telephone while operating an~~
26 ~~authorized emergency vehicle, as defined in Section 165, in the~~
27 ~~course and scope of his or her duties.~~

28 ~~(e) This section does not apply to a person when using a digital~~
29 ~~two-way radio that utilizes a wireless telephone that operates by~~
30 ~~depressing a push-to-talk feature and does not require immediate~~
31 ~~proximity to the ear of the user, and the person is driving one of~~
32 ~~the following vehicles:~~

33 ~~(1) (A) A motor truck, as defined in Section 410, or a truck~~
34 ~~tractor, as defined in Section 655, that requires either a commercial~~
35 ~~class A or class B driver's license to operate.~~

1 ~~(B) The exemption under subparagraph (A) does not apply to~~
2 ~~a person driving a pickup truck, as defined in Section 471.~~

3 ~~(2) An implement of husbandry that is listed or described in~~
4 ~~Chapter 1 (commencing with Section 36000) of Division 16.~~

5 ~~(3) A farm vehicle that is exempt from registration and displays~~
6 ~~an identification plate as specified in Section 5014 and is listed in~~
7 ~~Section 36101.~~

8 ~~(4) A commercial vehicle, as defined in Section 260, that is~~
9 ~~registered to a farmer and driven by the farmer or an employee of~~
10 ~~the farmer, and is used in conducting commercial agricultural~~
11 ~~operations, including, but not limited to, transporting agricultural~~
12 ~~products, farm machinery, or farm supplies to, or from, a farm.~~

13 ~~(5) A tow truck, as defined in Section 615.~~

14 ~~(f) This section does not apply to a person driving a schoolbus~~
15 ~~or transit vehicle that is subject to Section 23125.~~

16 ~~(g) This section does not apply to a person while driving a motor~~
17 ~~vehicle on private property.~~

18 ~~(h) This section shall become operative on July 1, 2008, and~~
19 ~~shall remain in effect only until July 1, 2011, and, as of July 1,~~
20 ~~2011, is repealed.~~

21 ~~SEC. 2. Section 23123 of the Vehicle Code, as amended by~~
22 ~~Section 3 of Chapter 214 of the Statutes of 2007, is amended to~~
23 ~~read:~~

24 ~~23123. (a) A person shall not drive a motor vehicle while using~~
25 ~~a wireless telephone unless the telephone is specifically designed~~
26 ~~and configured to allow hands-free listening and talking, and is~~
27 ~~used in that manner while driving.~~

28 ~~(b) A violation of this section is an infraction punishable by a~~
29 ~~base fine of twenty dollars (\$20) for a first offense and fifty dollars~~
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31 ~~(c) This section does not apply to a person using a wireless~~
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33 ~~an emergency call to a law enforcement agency, health care~~
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- 1 ~~(e) This section does not apply to a person driving a schoolbus~~
- 2 ~~or transit vehicle that is subject to Section 23125.~~
- 3 ~~(f) This section does not apply to a person while driving a motor~~
- 4 ~~vehicle on private property.~~
- 5 ~~(g) This section shall become operative on July 1, 2011.~~